IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4060 OF 2005

Sunita @ Poonam Pandit
wd/o Manojkumar Laxman
Pandit ..Applicant

Vs.

Laxman Ramchandra
Pandit & Anr. ..Respondents

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Mr.Ajai P.Singh Advocate for Applicant
Mr.Edgar Braganza for Respondent no.1
Mr.Rajesh More A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 11, 2005

P.C.

1. Heard the learned advocate for the applicant, the learned advocate for the respondent no.1-complainant and the learned A.P.P. for the State.

2. The applicant is seeking quashing of complaint i.e. CC No.1348/S/2000 which is pending before the learned Addl.Chief Metropolitan Magistrate, 37th Court, Esplanade, Bombay. In the said case, process has been issued against the applicant under

Section 302 r.w. 34 of IPC. The learned advocate for the applicant submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. It is further submitted that if the process issued against the applicant is set aside, the proceedings in respect of the applicant, would come to an end.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within six weeks from

today. In view of this statement, the trial Court shall not proceed with the trial for a period of six weeks.

. The learned advocate for the respondent no.1-complainant fairly states that no objection will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]